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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,240	09/22/2003	Shinji Asami	243044US3	9518

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EXAMINER

NICHOLSON III, LESLIE AUGUST

ART UNIT	PAPER NUMBER
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3651

DATE MAILED: 11/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/666,240	Applicant(s) ASAMI ET AL.	
	Examiner Leslie A. Nicholson III	Art Unit 3651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) 1-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-32, 36 and 37 is/are rejected.
- 7) ☒ Claim(s) 33-35 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments and Amendments

1. Applicant's arguments filed 10/31/2006 have been fully considered but they are not persuasive.

Applicant argues Yoshie does not disclose or suggest "that the second alignment mechanism is configured to align a paper bundle conveyed by a first conveying mechanism in a vicinity of a folding position to fold the paper bundle, the second conveying mechanism is configured to convey the paper bundle aligned by the second alignment mechanism to the folding position, and the folding mechanism is configured to fold the aligned paper bundle at the folding position". In response, the Examiner disagrees. The term "vicinity" is very broad. It is defined as the state of being near in space or relationship. The second alignment mechanism of Yoshie is configured to align a paper bundle conveyed by a first conveying mechanism in a vicinity of a folding position. It is also in a vicinity of the stapler, the ejection tray, and even the image forming apparatus. Secondly, the second convey mechanism (62) is configured to convey the paper bundle aligned by the second alignment mechanism (53) to the folding position (clearly shown in fig.4). Finally, the folding mechanism (661) is configured to fold the aligned paper bundle at the folding position (clearly shown in fig.4,5).

Applicant's arguments regarding claim 31 is moot in view of the new grounds of rejection (see ¶15).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 29,30 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 29,30 recite "... it is equipped..." in lines 1-2 of the claims. What is equipped? The alignment mechanisms? The claims must say what is equipped.

Allowable Subject Matter

4. Claims 33,34,35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 29,30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 3651

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 25-28,32,36,37 are rejected under 35 U.S.C. 102(b) as being anticipated by Yoshie USP 6,354,059.

Yoshie discloses a paper processing apparatus comprising: a stack mechanism (30); a first alignment mechanism (51); a first conveying mechanism (52); a second alignment mechanism (53); a second conveying mechanism (62); a binding mechanism (50); and a folding mechanism (661).

7. Claims 25-28,31,36,37 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamada USP 2003/0057641.

Yamada discloses a paper processing apparatus comprising: a stack mechanism (fig.1); a first alignment mechanism (51); a first conveying mechanism (56,57); a second alignment mechanism (73); a second conveying mechanism (73a,b,c); a binding mechanism (S1); and a folding mechanism (74); wherein said second paper control mechanism and said second convey mechanism are disposed downstream in the paper bundle feed direction with respect to said folding position (fig.1,15).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 25-28,31,32,36,37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitahara PGPub 2003/0094745 in view of Yoshie USP 6,354,059.

Kitahara discloses a paper processing apparatus comprising: a stack mechanism (21); a first alignment mechanism (17); a first conveying mechanism (24); a second conveying mechanism (54) disposed downstream in the paper bundle feed direction with respect to said folding position (fig.7); a binding mechanism (31,32); and a folding mechanism (55); wherein the feed line includes a curved portion disposed downstream in the paper bundle feed direction relative to said folding position (fig.7). Kitahara does not expressly disclose a second alignment mechanism.

Yoshie teaches a second alignment mechanism (65) for the purpose of stopping the bundle of sheets at a prescribed position with regard to detection of the sheet size (C8/L10-14).

At the time of invention it would have been obvious to one having ordinary skill in the art to employ a second alignment mechanism, as taught Yoshie, in the device of Kitahara, for the purpose of stopping the bundle of sheets at a prescribed position with regard to detection of the sheet size

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

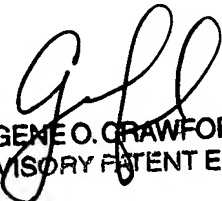
11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie A. Nicholson III whose telephone number is 571-272-5487. The examiner can normally be reached on M-F, 8:30 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on 571-272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

L.N.
11/16/2006


GENE O. CRAWFORD
SUPERVISORY PATENT EXAMINER